



[4910-RY]

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 USC 327, US Army Corps of Engineers (USACE), and US Fish and Wildlife Service (USFWS).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, USACE and USFWS that are final within the meaning of 23 U.S.C. §139(l)(1). The actions relate to a proposed State Route 41 Madera Passing Lanes project 0.3 miles north of Road 208 to 2.2 miles north of Road 208 in Madera County, in the State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. §139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before **October 11, 2013**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: G. William "Trais" Norris, III, Senior Environmental Planner, California Department of Transportation

(Caltrans), 855 “M” Street, Suite 200, Fresno, CA 93721; weekdays 8:00 a.m. to 5:00 p.m. (Pacific time); telephone (559) 445-6447, e-mail: [trais.norris@dot.ca.gov](mailto:trais.norris@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The State Route 41 Madera Passing Lanes project in Madera County, California. The purpose of the project would reduce delay and avoid traffic backup on State Route 41 by improving traffic operations, reducing traffic congestion, and improving safety on State Route 41. This would be accomplished by adding passing lanes to State Route 41 within the project limits, constructing 8-foot-wide outside shoulders, a 4-foot-wide soft median barrier, and rumble strips on the outside shoulders and the median.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on March 5, 2013. The EA/FONSI and other documents are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project web site at: <http://www.dot.ca.gov/dist6/environmental/envdocs/d6/>

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321 - 4351]; and Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401 - 7671(q)].
3. Land: Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wetlands and Water Resources: Safe Drinking Water Act [42 U.S.C. 300(f) - 300(j)(6)]; and Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)].
5. Wildlife: Endangered Species Act [16 U.S.C. 1531 - 1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661 - 667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703 - 712].
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act [16 U.S.C. 469 - 469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 - 3013].
7. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d) - 2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201 - 4209]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.
8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601 - 9675]; Superfund Amendments and Reauthorization Act of 1986; and Resource Conservation and Recovery Act [42 U.S.C. 6901 - 6992(k)].
9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O.12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O.

11514 Protection and Enhancement of Environmental Quality; and E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. §139(*l*)(1)

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